



PATENT
8733.039.20

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TECHNOLOGY CENTER 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jae Beom CHOI et al.

Group Art Unit: 2872

Application No.: 09/618,165

Examiner: D. Schuberg

Filing Date: July 17, 2000

For: LARGE SCALE POLARIZER AND POLARIZER SYSTEM EMPLOYING IT

PETITION TO RESTART PERIOD FOR REPLY

Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner to Restart the Period for Reply to an Office action setting forth a Restriction Requirement under 35 U.S.C. § 121 (the "Office action") having a mailing date of October 17, 2001 for the above-identified application. The Office action set forth a period for reply of one (1) month from the mailing date of the Office action (i.e., November 17, 2001). This Petition to Restart the Period for Reply is submitted under the provisions of the Manual of Patent Examining Procedure (MPEP) 710.06.

According to the provisions of MPEP 710.06,

"The Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:

(A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;

(B) a substantial portion of the set reply period had elapsed on the date of receipt . . . ; and

#7
J. Miller
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(C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address . . . , and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

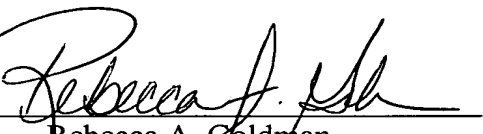
This Petition is being filed on January 29, 2002, which is within two weeks of the date of receipt of the Office action at the correspondence address. A substantial portion of the period for reply, which was set at 1 month from the mailing date of the Office action, had elapsed by the date of receipt of the Office action at the correspondence address. Namely, the period for reply had completely expired by the date of receipt of the Office action, and a Petition for Extension of Time with appropriate fee would have been required even if Applicants had been able to respond to the Office action on the date it was received.

Applicants only received a copy of the subject Office Action during the course of a routine status check. A copy of the Office action was sent by facsimile to Applicants' counsel by Jennifer Omundson of the USPTO Customer Service Center, Technology Center 2800 on January 17, 2002, two months after the first due date for replying to the Office Action. A copy of the facsimile received by Applicants' counsel is enclosed herewith as evidence of the date of the facsimile, which is shown in the upper left corner of each page and on the facsimile cover sheet. Applicants submit that the date on the enclosed copies was applied by the Patent Office, and thus serves as evidence of the date on which the Office Action was sent to and received by Applicants' counsel.

Applicants therefore request that this Petition to Restart the Period for Reply be granted, and that the date of the Office action be reset to the date of receipt of the Office action at the correspondence address, i.e. January 17, 2002.

Respectfully submitted,

LONG ALDRIDGE & NORMAN, LLP

By 
Rebecca A. Goldman
Registration No. 41,786

701 Pennsylvania Avenue, N.W.
Sixth Floor, Suite 600
Washington, D.C. 20004
Telephone No: (202) 624-1200
Facsimile No: (202) 624-1298
Date: January 29, 2002



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TECHNOLOGY CENTER 2800

Jennifer Omundson
United States Patent and Trademark Office
Customer Service Center, Technology Center 2800
Phone 703/306-3329
Fax 703/306-5515

Date: January 17, 2002

To: **Darrell Coates**

Recipient Fax #: (202) 624-1298

Total # of pages-including cover sheet: 6

From: Jennifer Omundson

Memo: Per your request, here is a copy of the Office Action for application
09/618,165.

Thanks,

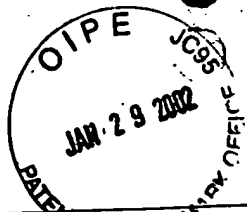
Jennifer Omundson
TC 2800 Customer Service Representative
(703) 306-3329

FAX*FAX*FAX*FAX*FAX*FAX*FAX*FAX*FAX*FAX

restriction response

DJC

DOCKETED

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/618,165 07/17/00 CHOI

J. 8733.039.20

EXAMINER

SCHUBERG, D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 10/17/01

SONG K JUNG ESQ
LONG ALDRIDGE & NORMAN LLP
701 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MMC2/1017

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

09/618,165

CHOI ET AL.

Examiner

Art Unit

Darren Schuberg

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2000.
- 2a) ☐ This action is FINAL.
- 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17-23 and 28-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-5, 7-15, 17-23 and 28-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

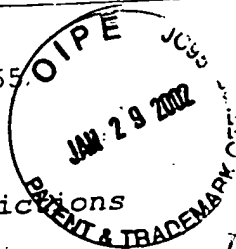
- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Election/Restrictions



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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, 7-15 and 17-23, drawn to a polarizer device or system, classified in class 359, subclass 487.
- II. Claims 28-30, drawn to a polarizer system with an alignment layer, classified in class 359, subclass 485.
- III. Claims 31-37, drawn to a method for forming a liquid crystal display, classified in class 349, subclass 123.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the particulars of the quartz layers are not needed to produce the

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combination. The subcombination has separate utility such as for systems not used in connection with alignment layers.

3. Inventions (I and II) and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product (i.e., the system) can be used in a system which does not manufacture an LCD.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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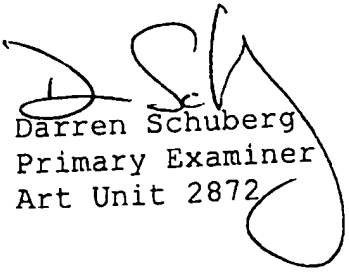
remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Papers related to this application may be submitted by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax number for Art Unit 2872 is (703) 308-7722.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren Schuberg whose telephone number is (703) 308-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

10/16/01


Darren Schuberg
Primary Examiner
Art Unit 2872